

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

INDIA JOHNSON,

Plaintiff,

v.

JOHN DOE, ALI BORE, BORE
TRANSPORT, INC., ABSHIR BORE,
BORE EXPRESS, INC., AMGUARD
INSURANCE COMPANY, and
INFINITY SELECT INSURANCE
COMPANY,

Defendants.

CIVIL ACTION FILE NO.
1:23-CV-03603-SEG

JURY TRIAL DEMANDED

**DEFENDANT AMGUARD INSURANCE COMPANY’S
WITHDRAWAL OF ITS MOTION FOR SUMMARY JUDGMENT**

COMES NOW AMGUARD INSURANCE COMPANY (“AMGUARD”),
who hereby withdraws its Motion for Summary Judgment, showing the Court as
follows:

1.

On March 25, 2025, this Court ordered this Defendant to reply to Plaintiff’s
response to its Motion for Summary Judgment. This, ostensibly to advise the Court
on its position on the issue of whether the MCS-90 endorsements affect coverage in
this case.

2.

The Court's request is well-taken. It appears the MCS-90 endorsements may well provide coverage to the insured in this case. As a result, Defendant hereby withdraws its Motion for Summary Judgment.¹

WHEREFORE, Defendant AmGUARD respectfully withdraws its Motion for Summary Judgment.

Respectfully submitted this 8th day of April, 2025

HALL BOOTH SMITH, P.C.

/s/ Phillip E. Friduss
PHILLIP E. FRIDUSS
Georgia Bar No. 277220
*Counsel for Defendant Amguard
Insurance Company*

¹ For the vast part, counsel's practice lies in governmental liability. Amguard writes insurance for local governments (as well as other lines) and sends the government work counsel's way with respect to same.

As for the last few years, however, dissatisfied with other Metro Atlanta law firms, Guard now sends new files, and pending cases to counsel for handling outside of the governmental context. This takes counsel into worlds with which he is unfamiliar – like common motor carrier law.

Counsel had never heard of an MCS-90 endorsement until the Court's recent Order. Having now reviewed the same, it appears that under Georgia law, such coverage may well be in play to cover the public for injuries from fleet vehicles not specifically referenced by VIN or otherwise in the actual relevant policies.

Counsel avers he knew nothing of such endorsements, and that there was no intent to confuse or mislead either Plaintiff nor the Court.

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing **DEFENDANT AMGUARD INSURANCE COMPANY'S WITHDRAWAL OF ITS MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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I further certify that this document was served on the same date by U.S. mail,
first class postage prepaid, on the following non-CM/ECF participant:

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Respectfully submitted this 8th day of April, 2025.

HALL BOOTH SMITH, P.C.

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